

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 10/699,629
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InventorshipBurdick, et al.
ApplicantMicrosoft Corporation
Group Art Unit 2116
ExaminerBrown, M.
Prior Docket No.MS1-1654US
Attorney's Docket No.MS-305540.01
Title: Configuration Settings

To: The Honorable Commissioner for Patents
 Mail Stop Appeal Brief- Patents
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REPLY BRIEF OF APPELLANT

This brief is in Reply to the Examiner's Answer dated June 6, 2007.

ARGUMENT

Claims 1, 6-9, 13-14, 18-19, 23-24, 28-30, 32-34, 36 and 40-41 satisfy the requirements of 35 U.S.C. § 102(e) and therefore are not anticipated by Mullen. Claims 2-4, 10-12, 15-17, 20-22, 25-27, 31, 35, 37-39 and 42-47 satisfy the requirements of 35 U.S.C. § 103(a) and therefore are not unpatentable over Mullen in view of Joory.

There continues to be disagreement between the Appellant and the Examiner regarding conditions and namely the features of Claim 1 which include:

- if the first field corresponds to the second field, then comparing the first description of the first condition with the second description of the second condition to determine whether the first condition is met by the second condition; and
- if met, then determining that the configuration setting is valid for use with the second application.

The Applicant respectfully submits that the Mullen reference fails to disclose at least these features. As previously stated, Mullen simply is a copy functionality which is capable of locating application configuration settings of a first directory and then copying them to a second file directory. *See Mullen, Page 1, paragraph [0009]*.

In the *Response to Arguments* section, Mullen, Paragraph [0029] is incorrectly cited for this disclosure. In particular, the Examiner asserts the following regarding conditions, “Examiner disagrees as the condition(file or parameter name; see paragraph 0029, line 3) for

the field(configuration setting entry 90; see paragraph 0029, lines 1-2) is mentioned. Moreover, a comparison of these conditions can be inferred from the statement ‘If the configuration settings to copy comprise parameters in a data structure, such as a registry file or other file, then the’(see paragraph 0029, lines 17-23).” *See Examiner’s Answer, Pages 21-22.* The Appellant respectfully disagrees, the entirety of Mullen paragraph [0029] is reproduced below for convenience.

[0029] In certain implementations, the configuration setting entry 80 (FIG. 3) may indicate a directory location and file or parameter name for the operating system or application program configurations settings 84a, 84b . . . 84n for the preexisting installation to copy and the target directory location of where to write the copied preexisting configuration settings 106, 110. The configuration settings 84a, 84b . . . 84n may indicate the source of the configuration settings to copy as relative to the root of the preexisting directory locations 102 and the target location to write the configuration settings as relative to the root of the directory locations 122 for the new installation. Alternatively, the configuration settings 84a, 84b . . . 84n may indicate the source and target locations for the configuration settings to copy as absolute file directory locations. If the configuration settings to copy are maintained in a file, then the file would be copied over. If the configuration settings to copy comprise parameters in a data structure, such as a registry file or other file, then the installation program 52 would open that data structure to access the configuration settings to copy, and then open the corresponding data structure in the new installation to update with the copied configuration setting value. *See Mullen, Paragraph [0029].*

As shown in the above paragraph, Mullen discloses copy functionality. Paragraph [0029] does not “compare the first description of the first condition with the second description of the second condition.” Rather, Mullen merely locates the settings and copies them over regardless of what is “contained” in the setting. Further, the inference made by the Examiner is clearly incorrect, as neither the cited portion nor elsewhere in the paragraph or the

references discloses, teaches or suggests a condition nor what is to happen is the condition is met. Thus, even *assuming for the sake of argument alone* that the names of the fields may be considered conditions, this does not disclose, teach or suggest each of the claimed features.

It is respectfully submitted that the Examiner has missed and/or mixed the elements in the claim in the rejection. For instance, in the above excerpted portion of the Examiner's Answer, the Examiner asserts the condition as the file or parameter name and the field as a configuration setting entry. However, the claim recites "if the first field corresponds to the second field", which is not given a basis in the Examiner's assertion. In other words, if the condition is the name then what is being asserted to supply the claimed correspondence between the fields? It is respectfully submitted that a *prima facie* case of anticipation or obviousness has not been established and consequently the Appellant asks that the Board overturn each of the rejections. All other arguments submitted in the Brief are also maintained and will not be repeated so as not to further burden the record.

CONCLUSION

The Applicant respectfully considers this application to be in condition for allowance and respectfully requests the Board to overturn the final rejection and that the Examiner pass this application to allowance.

Date: July 9, 2007

Respectfully submitted,

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